

**S.B. No. 280 (RAISED) AN ACT REVISING THE PENALTY FOR  
CAPITAL FELONIES**

**Testimony of Kimberly Sundquist**

**March 14, 2012**

Representative Fox, Senator Coleman and distinguished members of the Judiciary Committee, My name is Kimberly Sundquist and I am here today to testify in opposition to S.B. 280, An Act Revising the Penalty for Capitol Felonies.

For the record, I am the former president for Survivors of Homicide, a position I held for 3 years following the tragic murder of my beloved Uncle Jerry Timmons Barnette on September 11, 2003. My position regarding this bill in no way reflects the position of SOH since we, as a whole, do not take a position on the death penalty. My words today are of my own opinion regarding this matter. Because my uncle's case ended without justice served, I have made it my mission to fight for those who should be considered, yet are far more often forgotten about through the process.

Last year I sat in this room for 14 hours listening to both sides of this very issue testify and as to why you should consider their position. Those who testified in support of this bill never convinced me as to why their beliefs were more valid than my own. I agree with those advocating for repeal that the death penalty does not work as written. I agree that our current system is very traumatic on victims. Some of those speaking in support of the bill were indeed victims themselves and I respect all of them and their beliefs. However, not once did any of them say what I expected them to say regarding the morals of the act of Capital Punishment. Their only argument is in regard to the impact it has on the victims left behind such as Dr. Petit. You, our Senate and Legislature, have the power in your hands to make the one valid argument both sides share less pertinent. Streamlining the process and getting victims to the ends of justice would do just that. It is the only logical solution to letting victims heal faster and limiting the exposure to frequent re-victimization.

The death penalty serves the process in more ways than to simply carry out justice. As you are fully aware, many criminals facing trials will make plea agreements so as to have a lesser sentence. If we repeal the death penalty, and the most severe sentence they can face is live in prison which is a mere 60 years in Connecticut, what would they pleas down to? Would they plea to 40 years? Then with the "Risk Reduction" law that passed last year they would likely get out at 30 years. That is half of the sentence they were originally going to be handed had they allowed the case to go to trial. If we keep the death penalty, we are able to use it to save tax payers money and allow them to plea for the full 60 year life sentence with no chance of being released. If you repeal the Death Penalty, then Death Row will not exist. This will mean criminals, even the most heinous ones, will have many more liberties while in jail. Death row requires inmates to remain in their cell for 23 hours per day, while non-death row inmates get more freedom. Until jail treated as such I will continue to oppose all bills that will allow them to any sort of freedom.

One option you should consider would be to limit the appeals lawyers for the convicted are allowed to file. This procedure is a tactic to delay the inevitable while making a mockery out of our current "injustice system". This abuse of the appellate process can cost \$100,000 or

more before the case even gets to trial of which most are denied. The reason those advocating for repeal can say it costs more to execute a prisoner is because of this abuse of the system and because this allows the sentence to be delayed thus costing more in food, medical supplies, doctor visits, staff and other resources. By limiting appeals, it can be said that once criminals have exhausted their legal rights to appeal, the sentence will be carried out.

I am not implying that all murder cases should be death penalty eligible. I am asking you to consider that crimes involving domestic terrorism which can be defined as is on the United States FBI Web Site as **"the unlawful use, or threatened use, of force or violence by a group or individual based and operating entirely within the United States or Puerto Rico without foreign direction committed against persons or property to intimidate or coerce a government, the civilian population, or any segment thereof in furtherance of political or social objectives"** as still remaining Death Penalty eligible. There is no question, based on this definition and common sense that terrorism was used in the case where 3 women, 2 of them children, was used. It is a fact, that some of the very elected officials who claim the Death Penalty should not be used by our state in the name of justice claimed that very Victory when Osama Bin Laden was killed in reaction to the 2001 terrorist attacks. The differences in the 2 cases are vast and I see that you cannot compare apples to oranges. However, if justice should never be followed by death of the offender with tax payer dollars, then those same lawmakers should have condemned the actions by our brave military that day and would have preferred to see the terrorist brought to justice while he sits in a jail cell. I am asking you to consider NOT REPEALING the death penalty for the perpetrators who conduct a crime with terroristic qualities that result in loss of life for multiple victims and/or when children are affected. You would have the power to redefine terrorism in matter of fact terminology as to what limited qualifications a crime will have, so as not to be left open to interpretation, and as to when the Death Penalty can be issued. You would also be charged with making sure the Death Penalty is not only an option for these horrific cases, but also enforceable.

This bill uses language suggesting that the repeal will be on prospective cases only. This language is only there to trick the public into thinking it will never pertain to these individuals. With there being so many chances of appealing the decision since the law is on their side, all they need is one judge to oppose the death penalty and the sentence will be overturned. These criminals will most certainly, someday, have their sentences commuted to life in prison without the possibility of parole. Since life in prison means a mere 60 years, based on the fact that there were 3 victims who perished and assuming they would receive a minimum of life in prison for each victim, the inmates would each be facing 180 years. It is obvious that they will never be released and even under current statute it is much more likely they and Dr. Petit will die of natural causes before the sentence would ever be carried out. If you do repeal the death penalty, taking this case out of the equation, what happens to the next criminal who commits ungodly acts that involve terrorizing, kidnapping, sexual assaulting and lighting children on fire? They should be held accountable for those actions and sentenced to death as just as these individuals were. It may not be a deterrent, which is in part because we don't use it, but at least it is justice served and they will have little to no liberties in prison. What if the next time it is your family? What would you want to happen to such individuals?

It is fact that 66% of Connecticut residents believe that this bill should not pass. These are your constituents. These are the very people who elected you to be their voice. Don't allow

your party affiliation to tell you what to believe. Listen to the people who you represent. Allow your vote to come from your constituents and not your party.

In closing, I would like to add that we are victims. We are not heard from enough in cases that surround our loved ones. We are fearful of the world around us. Our bodies may still be here, but in the act that took our loved ones away from us, it is as if we were also murdered because we are not the same people we were one hour before the act took place. We know our loved ones watch over us and it is us who suffer. This sort of loss is unbearable. You wonder if you could have changed the end result or wonder if in their dying moments they cried out for you. They stay with us for the rest of our lives. We don't look for revenge; we look for the justice promised to us. Rather than repealing an act of justice, instead look at ways we can make it stronger and more effective. Look at ways lawyers are allowed to abuse our system and put an end to those tactics. Allow victims to voice opinions about how they would like to proceed. Don't allow terrorism to be accepted in any way, shape or form.

I thank you for your time and consideration. I would be happy to answer any questions the committee may have.